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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,743	04/04/2000	Allan Havemose	AMI 99 0004	5093

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GATEWAY, INC.  
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EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2194

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/542,743	<b>Applicant(s)</b> HAVEMOSE, ALLAN	
	<b>Examiner</b> LeChi Truong	<b>Art Unit</b> 2194	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-24, 40 and 41 are presented for the examination.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 – 11, 40 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claim 1 is directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alias, receiving, monitoring, identifying and storing, can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 21061. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 13, 14, 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrill et al (Us Patent 6,473,740 B2) in view of Freund et al (US. Patent 6,138,169).

7. As to claim 1, Cockrill teaches the invention substantially as claimed including a method of performing a transaction in a network (transaction network, col 3, ln 54-67), comprising receiving content (the purchase, the purchased item, col 4, ln 40-56/ col 7, ln 60-67/ purchase request, col 19, ln 9-12/ a transaction record, col 4, ln 35-56/ col 7, ln 60-67/); an transaction object (a transaction network request, col 19, ln 5-30/ payment request, col 13, ln 26-32/ ln 45-53), a first digital information appliance (the customer, col 4, ln 35-56/ col 7, ln 60-67); monitoring usage of the content (the price of the selected item, col 19, ln 5-30), a utilization event of the monitored usage (the identity of the user, col 19, ln 5-30), an occurrence of the utilization event (a pending transaction record, the sum of the prices of the pending transaction records indicating the identity of user, col 19, ln 5-35), storing an occurrence of the utilization (storing a pending transaction record indicating identify of the user...the purchase request originated, col 20, ln 1-25), transmitting data related the stored occurrence (forward payment request, col 9, ln 10-20), a network( a secure network, col 9, ln 10-20).

8. Cockrill do not explicitly teach transaction as object, the content and transaction information are encapsulated in the transaction object. However, Freund teaches transaction as object, the content and transaction information is encapsulated in the transaction object (A

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transaction object is an object whose behavior is affected by being invoked within the scope of a transaction. A transaction object typically contains or refers to persistent data that can be modified by transaction request, col 5, ln 27-31).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Cockrill and Freund because Freund's transaction as object, the content and transaction information are encapsulated in the transaction object system would improve the efficiency of Cockrill's system by allowing the object oriented systems to operate with existing of procedure transaction processing system.

10. As to **claim 2**, Cockrill teaches request is send over a network connection (network, col 7, ln 43-67).

11. As to **claim 13**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. Additional, Corkrill teaches processor on a digital information appliance (CPU 510, col 9, ln 42-45), a network connection device (a network connection, col 9, ln 42-45), a memory (memory, col 9, ln 25-30).

12. As to **claim 14**, it is an apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above.

As to **claims 40 and 41**, Cockrill teaches the transaction information includes billing information and security information (col 13, ln 45-52).

13. Claims **3-6, 8-12, 15-18, 20-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrill et al (US Patent 6,473,740 B2) in view of Freund et al (US. Patent 6,138,169), as applied to claim 1 above, and further in view of Saulpaugh et al (US. Patent 5,590, 334).

14. **As to claim 3**, Cockrill and Freund do not teach a request object. However, Saulpaugh teaches a request object (the object oriented passing unit, col 3, ln 24-67).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cockrill, Freund and Saulpaugh because Saulpaugh's request object would improve the efficiency of Cockrill and Freund's systems by reducing the time required to perform time critical operations between client tasks and server tasks.

16. **As to claim 4**, Saulpaugh teaches a request interface dynamic base object (a message object, an acceptance function with a port object, acceptance function for performing one or more services, col 3, ln 23-67).

17. **As to claim 5**, Cockrill teaches the user-defined criterion (payment information, col 4, ln 35-65).

18. **As to claim 6**, Cockrill teaches cost, pricing (payment, col 11, ln 15-35), plurality digital information appliances (number of customers, col 3, ln 54-67).

19. **As to claim 8**, Cockrill teaches the first and second of transaction object (a pending transaction record, the sum of the prices of the pending transaction records indicating the identity of user, col 19, ln 5-35).

20. **As to claim 9**, Cockrill teaches payment (payment information, col 4, ln 30-57) and Gilchrist teaches algorithm for the payment of transaction object (message is received as a class of message objects, with out modify the system program, col 3, ln 1-25).

21. **As to claim 10**, Corkrill teaches the second digital information appliance (one of merchants, col 3, ln 55-67 to col 4, ln 1-20).

22. As to **claim 11**, Corkrill teaches a central transaction authenticator (centralized, automated services, col 4, ln 1-30), storing and updating user account information (customer account management, col 4, ln 1-15).
23. As to **claim 12**, Corkill teaches media and network connection (network as well as an electronic mail, col 4, ln 35-55).
24. As to **claims 15- 18, 20-24**, they are apparatus claims of claims 4-12; therefore, they are rejected for the same reasons as claims 4-12 above.
25. Claims **7, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrill et al (Us Patent 6,473,740 B2) in view of Freund et al (US. Patent 6,138,169), as applied to claim 1 above, and further in view of Sato (Facsimile system).
26. As to **claim 7**, Corkrill and Freund do not teach saving the occurrence of the utilization event when the network connection is not available. However, Sato teaches saving the occurrence of the utilization event when the network connection is not available (the transmission line is busy the transfer is not available, the read picture information is stored in a SAF memory, page 1).
27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cockrill, Freund and Sato because Sato's the storing information would improve the efficiency of Cockrill and Freund's systems by allowing a transmission without incurring cost increase.

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28. As to claim 19, it is an apparatus claim of claim 7; therefore, it is rejected for the same reason as claim 7 above.

*Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

December 8, 2005



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